

H. ERNESTO CASTILLO (Cal. Bar No. 220900)
One Kaiser Plaza, Suite 2300
Oakland, California 94612-3642
Telephone: (510) 836-0100
Facsimile: (510) 832-3690
E-mail: beleslaw@yahoo.com

Attorney for Defendant
HUMBERTO VARELA

United States District Court
Northern District of California

UNITED STATES OF AMERICA,)	CR No. 4:12-CR-00751-SBA-1
)	
Plaintiff,)	STIPULATION AND <u>[PROPOSED]</u> ORDER
)	CONTINUING SENTENCING HEARING AS
v.)	TO DEFENDANT HUMBERTO VARELA
)	
HUMBERTO VARELA,)	
)	
Defendant.)	
)	

Defendant HUMBERTO VARELA, by and through his counsel undersigned, and the United States of America, through Assistant United States Attorney ANDREW SUIAN HUANG and United States Probation Officer CONSTANCE M. COOK, hereby stipulate and respectfully request that the Court vacate the Acceptance of Plea and Sentencing Hearing in the above-captioned case, currently set for Tuesday, October 22, 2013, at 10:00 a.m., and reset it for Tuesday, October 29, 2013, at 10:00 a.m.

This is the parties' second request to continue the Acceptance of Plea and Sentencing Hearing as to Defendant Varela. The parties last appeared before the Court on June 18, 2013 when the change of plea was entered as to defendant Varela (Dkt. Nos. 30 - 32).

On September 18, 2013, the Court granted the parties request to

vacate the Acceptance of Plea and Sentencing Hearing of Tuesday, September 24, 2013, and reset it to Tuesday, October 22, 2013 at 10:00 a.m. (Dkt. 38).

Defense counsel recently became aware of a scheduling conflict on the newly set date of Tuesday, October 22, 2013. Defense counsel will be unavailable to appear on this matter due because he must personally appear for on a previously set, all-day event which cannot be continued.

Assistant U.S. Attorney, Andrew Suian Huang, and U.S. Probation Officer, Constance M. Cook, are both available to appear on the requested date and stipulate to a one week continuance.

For these reasons, the defendant, defense counsel, and the government stipulate and respectfully request that the Court vacate the Acceptance of Plea and Sentencing Hearing currently set for Tuesday, October 22, 2013 and reset it for Tuesday, October 29, 2013, at 10:00 a.m.

IT IS SO STIPULATED.

Respectfully submitted,

DATED: October 4, 2013

/s/ HEC
H. ERNESTO CASTILLO,
Attorney for HUMBERTO VARELA

DATED: October 4, 2013

/s/ CMC
CONSTANCE M. COOK
U.S. Probation Officer

1 DATED: October 4, 2013

/s/ ASH
ANDREW SUIAN HUANG,
Assistant U.S. Attorney

MELINDA HAAG
United States Attorney

8 IT IS SO ORDERED.

10 DATED: 10/8/2013


HON. SANDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE